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side of the road behind a team going in the same direction; that the team, when just opposite the street car, turned to the right to avoid hitting the plaintiff, that the chauffeur then proceeded, thinking the road was clear, when suddenly the plaintiff appeared before him on the pavement, that he blew his horn and applied the brakes and did all he could to avoid hitting the plaintiff, but that the latter appeared confused, took a step backward and was struck, although not run over.

Held, 1. The circumstances and the situation were such as to require the chauffeur to exercise a more than ordinary degree of care for the safety of pedestrians and to anticipate the possibility of being confronted at any time in such a situation by pedestrians who for the moment lose control of their mental faculties, and are overcome by a sudden panic, although at other times of healthy and rational intellect, and that under the circumstances the chauffeur was guilty of such negligence that the defendants were liable for the damages suffered by the plaintiff.

2. The trial judge assessed the plaintiff's damages at \$344, an amount within the jurisdiction of the County Court; but, being satisfied that the plaintiff's solicitor honestly believed that the plaintiff would recover an amount beyond that jurisdiction, while giving him no costs, he gave the statutory certificate, under Rule 933 of the King's Bench Act, to prevent the defendant setting off any costs.

Howell, for plaintiff. Anderson, K. C., for defendants.—Canada Law Journal (Jan., 1912).

Quieting Title—Pleading—Possession of Plaintiff.—In the West Virginia case of *Mustard v. Big Creek Development Co.* (Supreme Court of Appeals of West Virginia, Nov. 14, 1911), 72 S. E. 1021, it was held that a bill to remove a cloud, by one claiming under a deed subsequent in date to that of a lease for oil and gas, covering the same land, and under which defendant claims, but alleging superior equitable title under a contract or title bond, prior in date to such lease, presents a good case, on demurrer, for equitable cognizance, regardless of the question of actual possession by complainant.

Frauds, Statute of—Sufficiency.—And in the same case it was held that if an agent verbally authorized to lease land, execute a lease thereon, such lease, if not good under the statute of frauds, as the deed of his principal, will be treated as a good memorandum or contract for a lease, binding the principal, and the statute of frauds is no defense to the rights of such lessee under the contract. *Mustard v. Big Creek, etc., Co.* (W. Va.), 72 S. W. 1021.